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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,384	08/30/2005	Bernward Bayer	PC10508US	6043
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RATNERPRESTIA			EXAMINER	
P O BOX 980			KRAMER, DEVON C	
VALLEY FORGE, PA 19482-0980				
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			06/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,384	Applicant(s) BAYER ET AL.	
	Examiner Devon C. Kramer	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2) Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 requires "the aperture". Please note that claim 8 recites the aperture in the alternative form only which renders claim 15 indefinite.

Claim Rejections - 35 USC § 102

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) Claims 8 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jungbecker et al (WO 01/73312). Please note that US 6,767,305 is an English equivalent to the PCT.

In re claims 8, 11 and 15, Jungbecker teaches an actuating unit for an electromechanically actuated disc brake for automotive vehicles, which is disposed on a brake caliper wherein two friction linings (4, 5) respectively cooperating with a side face of a brake disc (6) are arranged in a manner displaceable to a limited extent, a first

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friction lining (4) being arranged so as to be directly movable into engagement with the brake disc by means of an actuating element (7), through the actuating unit, while the second friction lining is movable into engagement with the brake disc through the action of a reaction force applied by the brake caliper, wherein the actuating unit comprises an electric motor (11) and at least one reduction gear (2, 3, 17) operatively arranged between the electric motor and the first friction lining, and with the reduction gear being formed of a threaded drive accommodated in a gear housing and including a cylindrical guide piece (29) that is provided with a sensor device (43) for sensing the reaction force, wherein the guide piece has a reduced thickness of material in the area of attachment of the sensor device. Please note that the sensor (43) can be considered a sensor module that allows testing outside the guide piece and is arranged in the area of attachment.

In re claim 9, see element 13.

In re claim 12, please note that grooves 45 can be considered recesses.

In re claim 13, see elements 44 and 45.

In re claim 14, see element 46 and 47.

5) Claim 10 is rejected under 35 U.S.C. 102(b) as anticipated by Jungbecker et al (WO 01/73312) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gerard et al (5127315).

Please note that claim 10 is not a method claim and a process can not be claimed, the claim requires that the carrier only be attached. Jungbecker is silent to laser welding.

Gerard teaches laser-welding part in a brake assembly.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have laser welded the carrier of Jungbecker as taught by Gerard merely to provide a secure connection for the carrier.

Response to Arguments

6) Applicant's arguments filed 5/18/07 have been fully considered but they are not persuasive. Applicant argues that Jungbecker et al fails to teach or suggest a sensor module including a carrier element on which a measuring element and contacting means are arranged, the carrier element arranged outside the guide piece in the area of attachment. Please note that element 29 can be considered a carrier element arranged outside a guide piece in as much as the instant application can be considered a carrier element. Figure 1 of the instant application shows the sensor resting on guide or a carrier portion of the guide, much like the reference teaches a sensor (43) resting on a carrier portion of a guide.

Conclusion

7) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

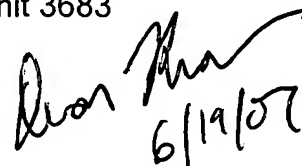
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on (571)272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Devon C Kramer
Primary Examiner
Art Unit 3683



6/19/07

DK